



People involved in a proposal of national significance

This information sheet explains:

board of inquiry | the applicant | submitters and more

There are many people involved in a proposal of national significance. Here you can find out more about those who may have a role in the process.¹

Board of inquiry

The board of inquiry (the board) is a panel of three to five people selected to make a decision on a proposal of national significance. The Minister for the Environment selects the board for a land-based proposal. The Minister of Conservation selects the board for a coastal proposal. The Ministers work together to select the board when a proposal contains both land and coastal matters.

The Minister must seek suggestions for members of the board from councils associated with the proposal.

The Minister selects a board of inquiry based on their combined skills and experience, considering factors such as technical expertise, understanding of the Resource Management Act 1991, local knowledge and understanding of tikanga Māori. Once selected, the board acts independently of the Minister, the applicant and the Environmental Protection Authority (EPA).

To make a decision on the proposal the board will consider:

- the application documents
- the reasons the Minister directed the proposal to a board of inquiry
- all submissions received on the proposal
- information provided by the council
- the expert evidence
- all evidence and views presented at a hearing.

The board may also visit the area relating to the proposal.

The board then makes its decision by applying the relevant parts of the Resource Management Act 1991 to the proposal.

The board decides how the hearing will run. These are called the hearing procedures and can be found on the EPA website at www.epa.govt.nz



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¹ Full information on proposals of national significance can be found in Part 6AA of the Resource Management Act 1991. This information sheet is intended to provide a general picture of the people involved in a proposal of national significance and does not provide legal guidance. The EPA strongly suggest you take legal advice if you are uncertain about any aspect of this information.



"The council may have one role or many."

The chair of the board

The chair is either:

- a current Environment Court Judge
- a former Environment Court Judge
- a retired Environment Court Judge
- a retired High Court Judge.

Members of the board

The members of the board are people skilled and experienced in areas relevant to the proposal.

Submitters

Submitters are people with a view on the proposal. They present this view for the board to consider.

Submissions are made online or in writing, and must contain some specific information.

To be valid, your submission must have the following:

- if you support, oppose or are neutral to the proposal
- which decision you wish the board to make
- whether you would like to speak at the hearing
- if you are a trade competitor of the applicant, and if so:
 - are you directly affected by an adverse environmental effect of the proposal?
 - does your submission relate to trade competition or the effects of trade competition?

Your submission must reach the Environmental Protection Authority (EPA) and the applicant before the closing date.

How to make a submission is explained in *How to make a submission on a proposal of national significance*. You can find this information sheet on the EPA website at www.epa.govt.nz

Submitters can choose how involved in the process they would like to be:

Make a written submission only

The board reads and considers submitters' views and evidence when making a decision.

Speaking at the hearing

The board will ask submitters in advance of the hearing if they wish to appear in front of the board at the hearing to expand on key points of their submission. Submitters can do this themselves, or have someone speak for them. They can also get together with other submitters who hold similar views. The board may ask questions of submitters and may allow cross-examination of those submitters. This will be set in the hearing procedures of each individual board. Submitters may be asked to meet together at conferencing. At these meetings submitters identify and group the key issues for the board to consider. Conferencing may take place before or during the hearing, or both.

Presenting evidence through an expert witness

A submitter can bring their own witnesses to the hearing. A witness may be an independent expert in a technical area, for example a planner who can interpret a plan. These witnesses will need to read and understand their obligations under the *Environment Court Code of Practice for Expert Witnesses*.² This states the witness cannot act as an advocate for the submitter they are appearing for. Witnesses may be required to supply their evidence before the hearing, and may be cross-examined. This is set in the hearing procedures of the board. Witnesses may also be required to meet with other experts to identify, group and explore the issues in dispute for the board to consider. The witnesses will resolve technical issues where they can. These meetings are known as conferencing or caucussing, and may take place before or during the hearing, or both.

Friend of Submitter

A Friend of Submitter may be available to help submitters. This is an independent person who can offer advice about submissions, the hearing, or the process of the decision. They cannot give advice on whether to submit, or what to put in a submission. The Friend of Submitter service is provided at no cost to submitters. For more information, visit the EPA website at www.epa.govt.nz

Public

Hearings are usually open to the public. They are often attended by submitters, people interested in the proposal, school groups, and support people for those speaking at the hearing. Culturally or commercially sensitive information may be protected by a closed hearing, but this is the exception rather than the rule.

² <http://www.justice.govt.nz/courts/environment-court/legislation-and-resources/practice-notes/expert-witness.html>

Environmental Protection Authority staff

The EPA has different roles at various stages of processing a proposal of national significance. There is a team dedicated to each proposal. That team has a number of tasks including:

- ensuring the application meets the requirements of the Resource Management Act 1991 (RMA) for lodgement
- advising the Minister if the EPA consider the proposal to be nationally significant
- notifying the proposal by placing public notices in local and national newspapers
- providing administration for the board of inquiry
- receiving and processing submissions
- providing information to everyone involved, including hearing procedures and important dates and deadlines.

EPA staff will also attend the hearing, and act as a liaison between the board and the applicant and submitters.

Applicant

This is the person, company or organisation who has applied to the EPA. They will usually have a team of people working on their proposal, including lawyers, planners and technical witnesses.



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Local and regional councils

The councils may have one role or many as:

- the applicant
- a submitter
- provider of views and information to assist the Minister in deciding if a proposal is of national significance
- provider of advice to the board on key issues to consider
- the manager of any resource consents granted when the final decision is made.

Media

Board of inquiry hearings for proposals of national significance are usually open to the public. In exceptional circumstances the board may decide that the hearing, or parts of the hearing, will be closed to the public. This will be detailed in the hearing procedures of the individual board. The media are welcome to attend and to report the proceedings at a public hearing. However photographs, sound and video recordings are not allowed unless prior approval has been granted by the board. Further information may be found in the hearing procedures for each proposal. You can find these on the EPA website at www.epa.govt.nz

Want to know more?

Contact the Environmental Protection Authority by phoning +64 4 916 2426.

You can also email rminfo@epa.govt.nz or visit the EPA website at www.epa.govt.nz

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